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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,625	08/28/2003	Ullrich U. Hetzler	CU-3325 VE	7528
26530	7590	08/05/2004	EXAMINER	
LADAS & PARRY 224 SOUTH MICHIGAN AVENUE, SUITE 1200 CHICAGO, IL 60604			EASTHOM, KARL D	
			ART UNIT	PAPER NUMBER
			2832	

DATE MAILED: 08/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/650,625

Applicant(s)

HETZLER, ULLRICH U.

Examiner

Karl D Easthom

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 6-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 14 and 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/6/3.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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1. Applicant's election without traverse of claims 1-5, and 14-15 in the reply filed on 7/15/4 is acknowledged.
2. Acknowledgment is made of applicant's claim for foreign priority based on an applications filed described in the oath. It is noted, however, that applicant has not filed certified copies of the application as required by 35 U.S.C. 119(b). Applicant should also describe the priority claim in the first line of the specification by amendment thereto. The Examiner is notifying the PCT division to inform them that the priority documents are not in the file, as perhaps it is the fault of that branch.
3. The information disclosure statement filed 10/6/3 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.
4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 1- 5 and 14-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, "said ends" lacks antecedent basis, so it is not clear what is meant. Also it is not clear to what "front surfaces" and "side surfaces" refer, where only a main surface is introduced, and there is no relationship established as to the different surfaces and ends. For claim 5, "preferably" is not clear since it is not clear if the element that follows is required.

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6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1 and 3-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Gerber et al. (2002/0097139). Gerber discloses the claimed invention at Figs. 1 and 5, with metal piece 10 made up of resistor alloy Ni/Cr, and contacts 8. The contacts are made up of plating at par. 42, deemed to meet electroplating since that is the typical plating process for foils, or the electroplating process does not render a distinct product since in the end, there are plated metal contacts. For claim 3, the film is attached by its side to substrate 2, said side being away from the contacts 8, see Fig. 4. In claim 4, the thickness is at par. 37, where 0.1 mil is less than 1um.

8. Claims 1, 3 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Clouser et al. 5,243,320. Clouser discloses the claimed invention at Fig. 4, with metal piece 16 made up of resistor alloy (see top of col. 5), and contacts 18. The contacts at top of col. 6 are electrodeposited which is a form of electroplating, where electrolysis is used for electroplating and electrodeposition, according the Random House College Dictionary at (1980). For claim 3, the film is attached by its side to substrate 12, said side being away from the contacts 18. For claim 5, see col. 23, lines 13-20.

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9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerber et al. Gerber discloses the claimed invention except for the resistivity. The Examiner takes Official Notice that it is well known that the resistance is related to the thickness, length and resistivity. Gerber discloses that various thicknesses and lengths are contemplated at pars. 37-38, thus various resistivities are contemplated. Thus it would have been obvious to employ the desired length and thickness to obtain the desired resistance where Gerber discloses varying the parameters to suit the intended application.

11. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clouser. Clouser discloses the claimed invention except for the resistivity. The Examiner takes Official Notice that it is well known that the resistance is related to the thickness, length and resistivity. Clouser discloses at col. 2, lines 55-63 that any resistance can be obtained by varying the geometry of the resistor, so that it would have been obvious to employ the desired geometry to suit the intended application.

12. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerber et al. in view of Smejkal et al., Robbins, or Helgleand '781. Gerber discloses the claimed invention except for laser cutting. Smejkal discloses cutting in general at col. 4, lines 5-17, and also discloses cutting by many methods such as by lasers, etching, or grinding. For claim 15,

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applicants admit it is known to cut by saws. Thus, where Smejkal discloses cutting by any method, including the etching employed by Gerber, it would have been obvious to employ any known method of cutting in order to obtain the desired size. It is assumed here that the method of cutting creates a distinct cutting edge. Similar remarks apply to Robbins, disclosing at col. 4, lines 5-15, cutting by either saw or laser. Helgeland discloses cutting by a saw at col. 2, lines 63-72 as a typical manner of cutting.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl D Easthom whose telephone number is (571) 272-1989. The examiner can normally be reached on M-Th, 5:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on (571) 272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Karl D Easthom  
Primary Examiner  
Art Unit 2832

KDE